

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**GHJ HOLDINGS, LLC,
Relator,**

v.

**GARMIN INTERNATIONAL, INC., et al.,
Defendants.**

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CIVIL ACTION NO. 5:11-CV-85

ORDER

Before the Court is Defendants' Motion to Dismiss GHJ's First Amended Complaint Due to Lack of Standing. Dkt. No. 43. Also before the Court are Relator's response, Defendants' reply, and Defendants' Notice of Supplemental Authority. Dkt. Nos. 44, 50 & 55. Defendants submit that after Relator filed its amended pleading, "Public Law 112-29 amend[ed] 35 U.S.C. § 292 and completely remove[d] Relator's standing to bring this action." Dkt. No. 43 at 1. Relator responds that the retroactivity of the new law "is unconstitutional because it violates the Due Process and Takings Clauses of the U.S. Constitution." Dkt. No. 44 at 1. Relator does not dispute it lacks standing under the law as enacted. *See* Dkt. No. 44.

In light of the briefing and all relevant papers and pleadings, Defendants' motion to dismiss (Dkt. No. 43) is hereby **GRANTED**. The above-captioned case is therefore hereby **DISMISSED WITHOUT PREJUDICE**. **IT IS SO ORDERED.**

SIGNED this 28th day of December, 2011.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE